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TAGS: [PGOV](#) [PREL](#) [EC](#)

SUBJECT: ECUADORIAN PRISONS IN CRISIS, PART II: CONDITIONS  
DETERIORATING

¶1. Summary: An Ecuadorian prison system plagued by overpopulation and a lack of resources has led to riots, worker strikes, and a state of emergency. A slow justice system characterized by long sentences, appeals that take up to four years, harsher drug laws, the elimination of shortened sentences based on good behavior, and "definitive detention," which mandates the detention of prisoners before trial, have all contributed to the current crisis. End Summary.

#### Background

¶2. Ecuador has 35 detention centers. In May 2006, the prison population included 12,677 males and 1,379 females. Nine prisons hold males, five hold females, and 21 are mixed. The largest is the notorious Coastal Prison of Guayaquil with 3,106 males, 31% of Ecuador's prison population. Mestizo prisoners comprise 75% of the population, 12% are Afro-Ecuadorian, 9% are White, and 4% are indigenous according to 2004 data. A study headed by the prestigious Latin American Faculty of Social Sciences (FLACSO) found that the prison population has doubled in the past 20 years, increasing an average of 8% per year.

¶3. Illegal drugs are the principal cause of detention in Ecuador, with 75% of Quito's prisoners, 77% of Guayaquil's, and 80% of Ecuador's 249 foreign prisoners held on drug charges. BBC reported in June 2005 that 90% of prisoners in Ecuador were held on charges of transporting, selling, or possession of drugs.

#### Human Rights Violations

¶4. Prisoners need outside resources, generally obtained from family, to survive. The \$1.00 allocated for food to each prisoner is inadequate and food is often of poor quality. The FLACSO study found that \$20 per week is needed for an adequate diet in prison. A prison doctor in Garcia Moreno Prison claimed in a film produced by FLACSO that diets amount to no more than 480 calories per day. Cells must be purchased, at a cost of up to \$1,500 for a shared space in Garcia Moreno. There have been increased limitations on visiting hours which prevents prisoners from obtaining food and supplies.

¶5. There are 42 doctors in the Ecuadorian prison system and 22% of inmates in Quito and 37% of inmates in Guayaquil have no medical attention. Wounds, respiratory disorders, and digestive problems are common and often unattended. There is a lack of medicine and first aid supplies.

## Female Prisons

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¶16. There is sexual harassment and assault of both inmates and visitors. In Quito, 30% of prisoners report cases of sexual abuse by prison personnel; in Guayaquil 21% do. Abuse by lawyers was reported by 22% in Quito and 25% in Guayaquil. Female prisoners often have to exchange sex for food and medicine.

¶17. The FLACSO study found that 13% of women had become pregnant while in a Quito prison up to six times, and 19% had become pregnant in Guayaquil up to three times. Pregnancies are the result of conjugal visits, relationships between female prisoners and male prisoners or guards, and sexual assault. There is a rate of only 46-49 live births per every 100 children born and many pregnancies end in abortion (illegal in Ecuador). Children live with 16% of prisoners. Quito Women's Prison Director John Cueva reported in June 2005 that "we have 75 cents daily for each prisoner, with or without children." There were 392 children living in prison with a parent in 2004.

## Overcrowding

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¶18. Overcrowding, which coincides with stricter antinarcotics laws, has led to violence, disease, a struggle for resources, and the elimination of rehabilitation programs. It is also a serious fire hazard. Ecuador's 36 prisons are designed to hold 7,000 prisoners but held 14,056 in May 2006. Guayaquil's Coastal Prison, designed for 1,200, holds 4,000. Quito's Second Prison, designed for 300, holds between 835

and 874. San Roque prison has the capacity for 400 prisoners but held 2,500 before 350 inmates were transferred there after a fire in Quito's Second Prison.

¶19. There is no prisoner classification system or differentiation between high and low security prisoners. The international standard of one prison worker for every ten prisoners would amount to 2,400 workers in Ecuador, but there are only 890. Guards negotiate with prisoners to maintain control. Luis Munoz, former Director of the National Social Rehabilitation Board (DNRS), estimates \$74 million is needed to solve overcrowding and says, "no prison that has more than 1,000 detainees is governable."

## Guard Deaths and Gang Violence Common

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¶10. In the Tulcan Prison, three Colombian prisoners carrying two machine guns and two grenades killed two guards and wounded one during an escape attempt, which occurred during visiting hours. A prison guard who worked at Guayaquil's Coastal Prison was killed on April 8 in what police believe was a revenge killing upon leaving the home of a prisoner's wife, with whom he had a "sentimental relationship."

¶11. A prison fight in Guayaquil's coastal prison left five dead and 21 injured on March 22. Police found two 38 caliber guns, 83 nine millimeter rounds of ammunition, six knives, three cellular phones, and 101 packets of cocaine. The gun fight, which lasted 20 minutes, broke out at 10H30 during visiting hours and was reportedly started by members of the "Russians" prison gang. On February 10, a pistol, five revolvers, a machine gun, grenades, alcohol, and drugs were confiscated in the same prison.

¶12. On January 12, two prisoners were wounded in Guayaquil's Coastal Prison during a gang fight over drug selling territory. No guards were hurt.

¶13. In Guayaquil's Coastal Prison, guards relinquished control to gangs who operate within and outside the prison. Gang wars claimed the lives of 27 prisoners and guards in 2005 and wounded 50, including 7 policemen and 3 guards. In

2006, 7 died and 23 were wounded. There are three major gangs in the prison. The largest gang controls 1,400 prisoners, the smallest 460. Gangs sell marijuana and cocaine. In Garcia Moreno, guards do not enter the prison unless undercover.

¶14. Prison gangs receive money from outside members and are responsible for increased crime rates in Guayaquil. Newspapers report that the March death of a Guayaquil prison director, Eddy Enriquez, was ordered by the Coyote gang from prison and executed out outside. Investigators believe he was killed because of his imposition of stricter controls of drugs and arms. When families file police reports of deaths resulting from gang violence, they are not often pursued by police.

#### Many Held without Sentencing

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¶15. The FLACSO study found that 64% of prisoners are held without trial and of those 10% have no legal assistance. In May, only 4,719 of Ecuador's 14,056 prisoners had been convicted of a crime. In 2004, there were only 32 public defenders in the country. At a rate of 70%, Ecuador has the third highest rate in Latin America (after Honduras and Uruguay) of prisoners that have not been sentenced.

#### USG Pilot Initiative Shows Positive Results

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¶16. U.S. government funding has helped to speed up sentencing in Ecuador. A USAID pilot initiative in Cuenca's lower courts and Prosecutor's Office implemented a new Criminal Procedure's Code (CPC). The oral accusatory system involved preliminary hearings that cut unnecessary detentions by 40% and reduced the average wait for rulings on pre-trial procedures from 36 to 20 hours. USAID helped the Prosecutor General establish a specialized unit that dealt with 36% of cases in Quito during the initial presentation of claims and reduced backlog.

#### Prison Fire Left Two Dead

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¶17. On March 22, a fire in Quito's Second Prison left two inmates dead and twenty wounded. The fire, which destroyed 80% of the building, is believed to have been caused by cables short circuiting. Of the prison's 867 prisoners, all but 392 were evacuated to seven facilities outside the capitol, 475 of which were transferred to the coast. Prisoners transferred to Bahia reportedly did not have drainage systems.

¶18. A firefighter squad representative who inspected the Second Prison eight months ago said that he had warned of a fire hazard since a lack of anti-fire systems and fire hydrants combined with overcrowding and poor infrastructure made the prison susceptible to such disasters. Prison Quito's First Prison has existed for 100 years without renovation. Ecuadorian prisons lack evacuation strategies, alarms, and sprinkler systems.

#### Rehabilitation Limited

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¶19. Throughout Ecuador there are 130 prison social workers and no psychiatrists. Rehabilitation exists through limited employment opportunities, though 80% of the country's prisoners are unemployed. In Tena's prison, prisoners weave hammocks and nets sold in local markets, slaughter cattle, cure leather, and study in small classrooms. Twenty NGOs work in the coastal prison with 30% of the 4,300 male and 400 female prisoners. Coastal programs include "spiritual support," carpentry workshops, and bakeries. Employment includes shoe-making, weaving, leather work, agriculture, electric work, and small business ventures. Guayas prison implemented a "Blue Concept" project which involves 32 prisoners who construct labs within prison to raise Tilapia

fish, shrimp, algae, guinea pigs, turtles, and iguanas which are sold or consumed. Participants must complete a six month biology and aquaculture course. Restaurants, bakeries, and Laundromats are owned by and service prisoners.

#### Americans in Ecuadorian Prisons

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¶20. In Ecuador, there are 56 Americans in prison, ten females and 46 males. There are 20 in Quito, 34 in Guayaquil, and one in Ibarra and Tulcan. All but 5 prisoners are being held on drug charges with sentences that range from four to 20 years. Nine are not yet sentenced.

#### Comment

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¶21. USAID's pilot initiative in Cuenca shows that change can happen, but replicating those results nationwide would be a major challenge. More political and legal reforms are needed, such as further revision of the Penal Code to ensure due process and a more efficient and transparent justice system, alternative punishments, emphasis on a preventative role within the police system, and improved financing and budgets for prisons. Building more prisons will help, but truly solving the crisis will also demand improvement in the physical conditions of detention centers, presence of qualified medical personnel, adequate food and rehabilitation resources, and firm action on reports of human rights abuses.

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